

**Middleborough Board of Selectmen
Meeting Minutes**

November 25, 2013

Chairman opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen S. McKinnon, A. Frawley, B. Quelle, L. Dalpe and J. Knowlton, and Executive Assistant J. Shanley.

UNANTICIPATED

Bill Kenerson of 28 Cottonwood Circle addressed Board. NSTAR cut 230+ trees on what he believes is his property. He offered that the Town Manager indicated he was going to speak with Town Counsel and get back to him as to whose property it is, but he hasn't heard from him. He asked what can be done about this. Chairman offered that he read NSTAR's Vegetation Operation Plan which indicates that if there is a concern raised by a resident, the resident is to tell the crew to stop and to get the NSTAR representative to the location. Mr. Kenerson offered that the plan also says that the crew is supposed to be courteous and sociable and they aren't. Chairman suggested that residents should call the police at that point as it would be considered trespassing. Mr.

Kenerson reported that he was told it is a civil matter. Selectman Knowlton offered that it is his understanding that if a resident has an NSTAR contractor who is rude or hasn't lived up to what you feel is good service, you go to Mass Department of Public Utilities to Consumer Complaints and file a complaint, which will be reviewed. Mr. Kenerson was assured he would get the majority of his trees back. He got twenty. Now that the trees are gone, the wood just howls through the area. He can't even heat his house with the wood from the trees that were taken from him.

Chairman offered that the trees belong to the property owners. He will get another message to Town Counsel to see what can be done about this. Resident Darlene Parsons addressed Board. She reported that there have been numerous occasions when an NSTAR representative has retaliated by taking a little extra of the easement because he thought his measurements were wrong. Her husband spoke to Mr. Cartwright today for an hour and got no satisfaction. They were told that if they contest the measurements of the easements, we are to hire our own surveyor, which costs approximately \$1,000. NSTAR advised that they can use their markers. She asked if NSTAR filed a plan, which they are supposed to if they are putting in any new towers. Chairman responded that we haven't been notified of any. Mrs. Parsons informed the Board that they put a brand new tower in on Wall Street on Friday into Saturday. They are working into the night, quitting at approximately 7 PM. The tower is very close to the road. She suggested someone may want to look into. She did report it to Patricia Cassidy in Conservation. They will probably hire their own surveyors and try to stall them. She offered that it sort of refers to them having until the 26th to do it, and if not, they will have to pay the cost for tree removal. It is somewhat ambiguous the way he did it. They can't afford an attorney because it will cost between \$25,000-\$50,000 and if you do win, it takes forever and the money is required up front. They never asked about wells relative to spraying. They never asked anybody and they sprayed on Columbus Day and they are injecting the trees. Chairman offered that it sounds like they are following their CMR 333.10 Vegetation Application of

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Herbicides. He offered that the more notices of complaint that D.P.U. receives the more attention the matter gets and they will have to respond. Chairman offered that wherever we can stop them, or slow them down to bring some conditions into this, it may help some of the folks. She offered that Mr. Cartwright referred to having seen she was mentioned in an article in the Enterprise. She is afraid of retaliation if she complains too much, possible cutting down her entire easement/rest of her land.

Chairman offered an apology and that the Board is doing all that it can. Resident Richard Young of North Street offered that he read an article indicating that the Sudbury Board of Selectmen reached an agreement with NSTAR last week in which NSTAR is required to replace each tree it cut down with a new tree. He will forward the article to the Chairman and Vice Chairman.

Donna Groves, 38 Rocky Meadow Street addressed Board and reported that NSTAR has gotten 600-700 trees off of her property. She was out there at 7 a.m. today because in the past she has told them she wants her wood and not to touch her it. The man who does the chipper was out there fixing his machine on Saturday and it is in the middle of two piles of her trees. He told her to be out there at 7 a.m. today and that everything in those two piles was going to be chipped. She went out there and they said they were going to leave her all of her wood. She has five foot piles of woodchips now. They chipped it all. They left her logs and chipped up the tops. To them, when a tree grows up and branches out, they consider that the top and they chip it. She called State Representative Orrall and now has a stop on the chipping until Bill Hayes of NSTAR calls her. She has not heard from him yet. She reported that she was told by the State Reps office that she is to call the police if they come on her property. She offered that the Representative's office has only heard from five people. She offered that people in this Town affected by this need to call the Representatives office. They are waiting for the phone calls.

Chairman agreed that the complaints need to be received. Selectman Dalpe offered that she had been on the phone with Senator Pacheco's office four times today and NSTAR and NSTAR is not responding to any of us. Ms. Groves said they promised her a man named Bill Hayes would call her and he supposedly put the stop on this work. She heard that they want to be done by Thursday. She has almost three acres of land out there. They've already cut down all her trees, but now they are going to chip them all up. She told them to leave all of her tops. They told her that would be a liability, but she doesn't understand how all of the tree stumps in her yard are not. Selectman Dalpe asked for her address again and offered to start again in the morning on addresses, noting that they were asking for locations. Ms. Groves offered that she feels like a prisoner in her own house, concerned that if she leaves for ½ hour, who knows what they will do to her property.

ANNOUNCEMENTS & RECOGNITIONS

Selectman Dalpe announced that the Christmas parade is scheduled for Saturday. Immediately after the parade, Centre Street will be closed off and there will be continuous musical entertainment. The shops will be serving hot chocolate and cookies and Santa will be in the Santa house all day.

Selectman Frawley announced that All Are Welcome is having a Thanksgiving dinner on Thursday. Anyone can stop by for dinner or to volunteer.

Selectman Frawley offered thanks to the people of Middleborough, the Board's Executive Assistant and the Town Manager, the Board members, and his wife and kids.

Selectman Knowlton echoed that Saturday is Small Business Saturday.

Selectman Quelle suggested everyone come out to the parade.

WARRANTS

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to authorize the Chairman to sign the Warrants for week ending 11/22/13.

NEW BUSINESS

Rich Young addressed the Board re his interest in serving on the COA Board of Directors. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to appoint Richard Young to the COA Board of Directors for a term of three years.

Chairman read aloud memorandum from Town Manager re new 3-year agreement for Ambulance Services with Brewster Ambulance. Fire Chief Benjamino addressed Board. The Chief offered that, if the Town is not going to do a municipal owned ambulance, then his recommendation is to renew with Brewster Ambulance. He has had a positive experience with Brewster. He offered that they have gone above their contract. Selectman Frawley offered that he serves on the EMS Committee and he believes they've gotten the highest score on the Quality Assurance/Quality Insurance

(QAQI). They go above and beyond all of the time. They do whatever the Chief asks them to do. When the Chief asked for their help during last February's blizzard, they complied willingly and gladly. Selectman Knowlton also served on the EMS Committee and echoed Selectman Frawley's comments. He whole heartedly endorses renewing with this company. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to renew the agreement.

Chairman read aloud draft letter to Senator and State Representatives re support of House Bill H2988-requiring utility companies to develop management plans with municipalities. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve signing and sending this letter.

Chairman read aloud draft letter to the Department of Public Utilities re support of Notification of Vegetation Maintenance Activities for Transmission Rights of Way Regulation (220 CMR22.00).

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Selectman Quelle offered that we have residents reporting theft of their property (logs/wood). NSTAR should be responsible to remove the wood, but the property owners have the right to keep it, if they so choose. He recommended putting something in the letter that indicates a specific penalty against NSTAR if they fail to abide by the rights of the residents. The Chairman offered that the complaints need to be filed. He doesn't know if we can put any teeth into them to fine them, but maybe only to get them to talk. Darlene Parsons offered that she has a lot of contact names and numbers at NSTAR. She offered that Mr. Cartwright told her the wood does not belong to the property owners and that if anyone operates the wood chippers and gets hurt, they can be held liable. Selectman Dalpe agreed with Selectman Quelle and asked to include in the letter something about disposition of the trees, unless the homeowners wish to keep them (the wood). Selectman Knowlton offered that it's his understanding that it is in the deed to the easement, the individual deeds-who has the right to disposition of the wood. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted to approve, as amended.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted to issue a Cease & Desist letter to the unlicensed taxi business located at 217 Centre Street for failure to comply with licensing regulations. Chairman confirmed with Executive Assistant J. Shanley that the license requirements remain incomplete. Selectman Quelle offered that Jackie worked tirelessly with these folks to get them to do what they needed to do and they haven't done it. Paula Carey addressed the Board and asserted that she has been trying. She advised the Board that the holdup is that everything is still in Superior Taxi's name. As of tonight, she was told she still needs another 3-4 days. She asked if she will be able to get a permit once they go through all of this expense. Chairman responded that if everything is in order, her application would be considered. Unanimous vote.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the 11-18-13 regular meeting minutes.

Upon motion by Selectman Knowlton and seconded by Selectman Frawley, Board voted unanimously to approve the 11-18-13 E.S. meeting minutes.

HEARINGS, MEETINGS, LICENSES

None.

TOWN MANAGER'S REPORT

None.

CORRESPONDENCE

None.

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Chairman announced that the Board would not be meeting on 12/2/13.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to adjourn meeting at 7:57 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN